

AGSI-Archer Property

Minor Special Exception – SPMI 2009-0007

STATEMENT OF JUSTIFICATION

August 20, 2009

REVISION - MARCH 16, 2010

PROPERTY OVERVIEW AND LOCATION

Matthew D. and Jennifer K. Archer (Owners) are the current owners of the property located at 13276 April Circle, Lovettsville, VA 20180 (the Property) having acquired the Property in November 2008. The Property is approximately 5.6 acres and is zoned AR-1, governed under the Revised 1993 Zoning Ordinance. The Property is identified as MCPI number 336-40-7208, has frontage on April Circle, and is located in the Catoctin Election District. Land uses surrounding the Property are current and planned residential uses consistent with the AR-1 zoning district regulations.

The Property does not fall within an Airport Impact Overlay (AI), Village Conservation District, Mountainside Development Overlay District (MDOD), the Quarry Notification District (QN), Historic District, Floodplain Overlay District (FOD) or Predictive Wetlands Model per the Loudoun County Mapping and GIS data. The Property has some steep slopes however they are on fringe areas of the Property and not near where the proposed use would occur. There are no Federal or States permits or conditions that directly limit development on the Property. There are no hazardous materials on the Property.

The Property is currently developed with a 3-story, 6,178 square foot, single-family house being used as a residence. The Property owner and Applicant was issued a Home Occupation permit per Section 5-400 (Loudoun County Permit Number Z90097530001) on March 25, 2009, which allowed a 'home office for government contractor, employing 1 non-resident person'. The Applicant was found to be in violation of the above permit due to exceeding the number of allowed non-resident employees and of comprising a small business use, and was instructed by County staff to seek a Special Exception for a small business use with the proposed number of employees. A pre-application meeting was held on May 26, 2009, and this application was accepted by the County for processing on November 18, 2009.

PROPOSED SPECIAL EXCEPTION USE

The Applicant, AGSI, LLC is an IT re-seller business to the Federal government. The Applicant is requesting a special exception - pursuant to Section 2-102 and subject to Sections 5-614(D) and 5-614(E)(2) of the Revised 1993 Loudoun County Zoning Ordinance - to allow a small business use with up to (6) six employees on a 5.6 acre parcel. The entire property would be subject to this special exception. Section 2-102 dictates that the proposed use be processed by the County as a minor Special Exception in this (AR-1) zoning district; in the AR-1 district, a permitted small business use must be located on more than ten (10) acres per Section 5-614(C).

The Applicant proposes to use up to 1,000 square feet in the basement of the residence for the small business use, with up to five (5) non-resident employees commuting to the property and one (1) employee (the Property and business owner) residing on the property.

HOURS OF OPERATION

Proposed hours of operation are between 8:30 a.m. and 7:00 p.m., Monday through Friday. Typically, employees work 8.0 hours per day. The wider range of hours would provide employees a flexibility in their shifts to accommodate their personal schedules (ie, doctors appointments, children's activities, etc.), plus the occasional need for working overtime due to work volume, contract deadlines, etc. The end of the government's fiscal year, during August and September, is the busiest time of the year for AGSI, and hours might extend as late as 9:00 pm during this season. The Applicant is amenable to a condition of approval committing them to these proposed hours of operation.

VEHICLES/PARKING

The non-resident employees (up to five (5)) will commute to and from the Property using their personal vehicles; two of the current five (5) non-resident employees currently carpool, resulting in four (4) total cars coming to the Property each business day. During the above noted business hours, the Applicant proposes that at least three (3) of these four (4) vehicles will park in the four (4) garage bays on the Property, with the fourth vehicle parked adjacent either of the garages. See attached Special Exception plat (Sheet 6), which identifies the garage spaces and driveway. No non-resident employee cars will be parked in the shared access drive from April Circle that provides access to the other three (3) residences served by this access drive.

Should the above scenario not be amenable to the Planning Commission or Board of Supervisors, the Applicant (and their non-resident employees) are willing to create an off-site carpool scenario which would reduce (from four (4)) the number of employee vehicles traveling to and from the Property daily.

DELIVERIES

The proposed small business use is expected to receive one (1) delivery daily from shippers such as FedEx and UPS, or other businesses with their own delivery vehicles (i.e. office supply stores). Most deliveries will arrive in standard-sized FedEx or UPS trucks typically seen delivering in residential neighborhoods; occasionally, deliveries will require a larger freight vehicle. Deliveries to the Property represent a very small portion of the overall small business use, and consist primarily of computer/information technology materials that are for the U.S. military serving in Afghanistan. Most other contracts that AGSI completes are shipped directly from a distributor to the customer, but many companies are not able to ship to Afghanistan, and thus AGSI must have the items shipped to the Property, and then shipped overseas from there.

Delivery vehicles, if they cannot pull into the Property's driveway and park, will likely park in the shared access drive in front of the Property to load/unload, and at times could temporarily result in a narrowing of this residential access way. Such occurrence is no different than if personal/non-business related deliveries were being made to any residence. Should there ever be an instance where a delivery vehicle (be it personal or business-related) is blocking the shared access drive to the point that vehicles cannot maneuver around them, the Applicant should be made immediately aware of such situation, and will interrupt the loading/unloading of products and have the delivery vehicle move so as to provide clear access to the other properties accessed from this shared access drive.

No delivery vehicle would ever be un-manned, and could be moved in a moment's notice for any means of access (neighbor, emergency vehicles, etc.) past the subject Property and further down the shared access drive.

COMPREHENSIVE PLAN COMPLIANCE

The Property is located within the Rural Policy Area of western Loudoun County. The policies of the Revised General Plan support the establishment of small businesses within the Rural Policy Area that are compatible in scale, use and intensity with the surrounding land uses. The intensity of the proposed use, with five non-resident employees, can be accommodated on the property as described herein.

SUMMARY

The proposed IT Government Reseller small business use will meet the high demand for such services in the Federal sector in the County and region. The Applicant respectfully requests favorable consideration of the Application by the staff and the Board of Supervisors.

AGSI was originally a family business with only two relatives working for the company when it was located in West Virginia. When AGSI moved to Loudoun County, Virginia at the end of 2008, those family members stayed with the company and are currently commuting together from West Virginia. The other three employees are all long-time residents of Western Loudoun: a 10-year resident of Lovettsville, a 22-year resident of Hillsboro, and a 22-year resident of Hamilton.

SPECIAL EXCEPTION ISSUES FOR CONSIDERATION **Section 6-1310, Revised 1993 Zoning Ordinance**

(A) Whether the proposed special exception is consistent with the Comprehensive Plan.

The proposed minor special exception is consistent with the Comprehensive Plan. AGSI, LLC is permitted by minor special exception under Section 2-102 of the Revised 1993 Zoning Ordinance.

(B) Whether the proposed special exception will adequately provide for the safety from fire hazards and have effective measure of fire control.

The proposed minor special exception will provide emergency vehicles access to all parts of the Property, and other properties accessed by the shared drive, in the event of a fire.

(C) Whether the level and impact of any noise emanating from the site, including the generated by the proposed use, negatively impacts the uses in the immediate area.

There will be minimal, if any, increase in noise from the site that will impact the immediate area as a result of the proposed use.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

No additional glare of light will be generated from the Property as a result of the proposed use.

(E) Whether the proposed use is compatible with the existing or proposed used in the neighborhood and adjacent parcels.

The proposed small business use is compatible with the existing uses in the neighborhood.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

There will be no proposed landscaping, screening and buffering on this site. The proposed use will be inside the existing residence.

(G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archeological or historic feature of significant importance.

The Property contains no known archeological, scenic, or historic landmarks that must be preserved.

(H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including ground water) or air quality.

The proposed use will not impact the existing groundwater quality and environmental habitat of the Property.

(I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public

The proposed small business use will provide a convenient location for up to five (5) employees who live in western Loudoun County or further west, and alleviate these persons from having to travel further east through the County for employment, thus lessening the impact on the road network that that would entail.

(J) Whether the traffic expected to be generated by the proposed use with be adequately and safely served by roads, pedestrian connections and other transportation services.

Four (4) employee vehicles are expected to arrive in the morning and leave in the evening, Monday through Friday. Surrounding neighbors should not be affected nor inconvenienced by the employees. Employee vehicles will park in the existing garages or on the driveway. Delivery trucks are expected to average one (1) per day, and may park for the duration of loading/unloading in a portion of the shared access drive.

(K) Whether in the case of existing structures proposed to be converted to use requiring a special exception, the structures meet all code requirements of Loudoun County.

The proposed small business use would occupy up to 1,000 square feet in the basement of the existing single-family residence, and would not convert the structure from its' current and intended purpose.

(L) Whether the proposed special exception will be served adequately by essential public facilities and services.

The proposed small business use will not require any capacity of public facilities and services not already provided for a single-family residence.

(M) The effect of the proposed special exception on groundwater supply.

The proposed small business use will not require any land disturbance, and thus no impact on the groundwater supply. The on-site septic system has more than adequate capacity to serve the five (5) non-resident employees proposed with this application.

(N) Whether the proposed use will affect the structural capacity of the soils.

The proposed small business use will not require any land disturbance, and thus no impact on the soils.

(O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

Transportation infrastructure serving the Property is completed, and can accommodate the proposed four (4) non-resident vehicles expected to go to and from the Property each business day.

(P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

The proposed small business use will provide six (6) full-time professional office-based service employment positions without occupying any commercial office space, thus allowing more commercial activity to occur in the County, further enlarging the tax base.

(Q) Whether the proposed special exception considers the needs to agriculture, industry, and business in the future growth.

The Property is developed as a single-family residence. Operating a small business use as proposed will only spur future business growth in the County.

(R) Whether adequate on and off-site infrastructure is available.

Adequate parking and access can and will be provided.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

No odors will be generated by the proposed small business use on the site.

(T) Whether the proposed special exception uses sufficient measure to mitigate the Impact of construction traffic on existing neighborhood and school areas.

There will not be any construction related to the proposed small business use.